

Report Date: January 14, 2022

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 14, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Oscar Cervantes

Case Number: 0980 4:20CR06035-TOR-1

Last Known Address of Offender: [REDACTED] Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable Nancy D. Freudenthal, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 20, 2012

Original Offense: Possession With Intent to Distribute Less Than 50 Kilograms of Marihuana,
21 U.S.C. § 841(a)(1) and 841(b)(1)(D)Original Sentence: Prison - 210 months; Type of Supervision: Supervised Release
TSR - 60 monthsRevocation Sentence: Prison- 6 months;
(6/23/2021) TSR- 52 months

Asst. U.S. Attorney: Richard C. Burson

Date Supervision Commenced: November 17, 2021

Defense Attorney: J. Houston Goddard

Date Supervision Expires: March 16, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/8/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Violation 5-6 preface, combined for brevity:

Mr. Cervantes began his term of supervised release on November 17, 2021. On November 19, 2021, all the conditions of supervision were reviewed with Mr. Cervantes over the telephone, which he verbally acknowledged a full understanding, to include special condition number 2 and number 4, as noted below.

On November 24, 2021, Mr. Cervantes reported to the U.S. Probation Office and all of his conditions of supervision were again reviewed with him, which he signed acknowledging a full understanding. Mr. Cervantes was referred to Merit Resource Services (Merit) to complete a substance abuse evaluation and to participate in the color line program for random drug testing. Mr. Cervantes was instructed to call the color line daily, Monday through Friday, and to report in person to Merit for drug testing when his assigned color,

Prob12C

Re: Cervantes, Oscar
January 14, 2022
Page 2

Gold, was called. Mr. Cervantes was also referred to Riverview Counseling and Consulting to complete a mental health evaluation. The undersigned officer instructed Mr. Cervantes to complete the substance abuse assessment by December 10, 2021, and to have a mental health assessment scheduled also by December 10, 2021. The undersigned officer gave Mr. Cervantes these instructions in writing as well.

- 5 **Special Condition # 2:** You must complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement, absent further order of the court. You must allow reciprocal release of information between the supervising officer and treatment provider. You must contribute to the cost of treatment according to your ability to pay.

Supporting Evidence: Oscar Cervantes is considered to be in violation of his conditions of supervised release by failing to schedule a mental health evaluation by December 10, 2021, as instructed by the probation officer.

On January 12, 2022, Riverview Counseling and Consulting reported Mr. Cervantes called a couple of times and he left a couple of messages. The provider tried calling Mr. Cervantes a handful of times; however, Mr. Cervantes did not answer and his message machine would not allow the provider to leave a message. The provider was unable to schedule Mr. Cervantes for a mental health assessment as he was not able to be contacted despite several attempts.

On January 13, 2022, the undersigned officer made telephonic contact with Mr. Cervantes' family member who reported Mr. Cervantes did not complete a mental health assessment because of his continued drug use.

- 6 **Special Condition # 4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Oscar Cervantes is considered to be in violation of his conditions of supervised release by failing to complete a substance abuse evaluation by December 10, 2021.

On December 17, 2021, Merit Resource Services reported Mr. Cervantes did not complete a substance abuse evaluation by December 10, 2021.

On January 13, 2022, the undersigned officer made telephonic contact with Mr. Cervantes' family member who reported Mr. Cervantes did not complete a substance abuse evaluation because of his continued drug use.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

Prob12C

Re: Cervantes, Oscar
January 14, 2022
Page 3

I declare under penalty of perjury that the foregoing is true and correct.

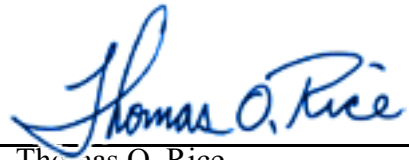
Executed on: January 14, 2022

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

January 14, 2022

Date